## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

JOE DALE MARITNEZ AND FIDENCIO LOPEZ, JR. Individually And on behalf of all others similarly Situated;

 $\mathbf{v}_{\boldsymbol{\cdot}}$ 

REFINERY TERMINAL FIRE COMPANY

Civil Action No. 2:11-ev-295

**JURY TRIAL DEMAND** 

COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. § 216(b)

## NOTICE TO POTENTIAL PLAINTIFFS

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TO: PERSONS EMPLOYED BY REFINERY TERMINAL FIRE COMPANY IN

FIREFIGHTING POSITIONS BELOW THE LEVEL OF CHIEF DURING

THE PERIOD FROM SEPTEMBER 9, 2008 THROUGH THE PRESENT.

RE: Fair Labor Standards Act ("FLSA") lawsuit against Refinery Terminal Fire

Company

DATE: December 14, 2011

On September 9, 2011 the above styled lawsuit was filed by Joe Dale Martinez and Fidencio Lopez, Jr. on their own behalf and on behalf of those similarly situated ("Plaintiffs") who were employed by Refinery Terminal Fire Company ("RTFC") as firefighter below the level of Chief, during the period from September 8, 2008 to the present. Plaintiffs allege that they were required to work overtime hours without being paid full compensation for those hours pursuant to the Fair Labor Standards Act ("FLSA"). Plaintiffs have sued to recover alleged unpaid wages. Plaintiffs also seek additional damages equal to their unpaid wages because of RTFC's failure to pay them as required by the federal law governing overtime payments.

RTFC has denied that it improperly paid any of its employees, and disputes that any amounts are due under the FLSA.

If you are among the persons to whom this notice is addressed, and you wish to have your rights to overtime pay litigated in this case, you must file a consent to be made a party plaintiff with the Clerk of the Court. It is entirely your own decision whether or not to do so.

The named plaintiffs brought this suit on their behalf and on behalf of those similarly situated to them. Plaintiffs' attorneys are Sico, White, Hoelscher & Braugh, L.L.P. If you have questions about the lawsuit or your rights, you may contact them directly at 361-653-3300, or

you may contact any counsel of your choice. You should not contact the Court to discuss this matter.

If you desire to join this litigation you must file a Notice of Consent in a form substantially similar to the one provided with this Notice. Your Notice of Consent should be under the caption of the case as listed above, should contain your name, address, telephone number, date of birth, date of signing and signature, and should state: "I hereby consent to be a party plaintiff in this case." If you are proceeding with an attorney, your attorney should file the form on your behalf with your written authorization. The terms of any representation are between you and your attorney.

As already stated, you are not required to join in this case by filing your consent or to take any action unless you want to. If you do not join this case by properly filing a notice of consent, you will not be entitled to any relief that may be obtained in this suit. If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three years of back wages from the date the Notice of Consent is filed, time is of the essence in submitting this form if you wish to make a full recovery. The Court has set as the deadline by which all Consents must be filed. A Notice of Consent is enclosed with a self-addressed stamp envelope.

If you do not file a consent form and join in this case, you will not receive any back wages for overtime or other relief from the case if the plaintiffs prevails here. If, however, you decide to join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether it is favorable or unfavorable to you.

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will grant any relief in this case.

The FLSA prohibits anyone from discriminating or retaliating against you if you choose to take part in this case and RTFC has agreed to abide by the law in this regard.

This notice has been authorized by the Honorable Nelva Gonzalez Ramos, the Judge to whom this case has been assigned.